

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

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District Attorney



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Victim Assistance Director

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Chief Deputy District Attorney

PATRICK CLOUSE
Chief Investigator

MICHAEL D. SODERMAN
Chief Financial & Administrative Officer

July 17, 2019

Dan Rubins
Via email to MuckRock.com

Re: Public Records Request Dated July 04, 2019
Brady List

Dear Mr. Rubins:

The Santa Barbara District Attorney's Office is in receipt of your email request for records under the California Public Records Act, Gov't Code §§ 6250 et seq., and Art. I, §3(b) of the California Constitution for the following records:

"Brady lists," "Giglio lists," "potential impeachment disclosure lists," or any similar compiled records or lists of records of the type set forth in California Penal Code §832.7 (b)(1)(C). That is, "Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence."

In particular, the records I am seeking would provide a list of law enforcement officers in your jurisdiction whose involvement in a criminal proceeding would have to be disclosed as potentially exculpatory evidence in accordance with Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 450 U.S. 150 (1972). I am making this request for both sworn employees and non-sworn employees. At a minimum, please include the full name, serial number, and agency of employment; separate lists for each agency in your jurisdiction are fine.

☐ **SANTA BARBARA OFFICE**
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115 Civic Center Plaza
Lompoc, CA 93436
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Regarding any "Brady" list or "Giglio" list our office maintains, such a list, if it exists, is exempt from disclosure for, at minimum, the following reasons:

1. Pursuant to Cal. Gov't Code §6254(f) such a list is an investigative file compiled for law enforcement purposes.
2. Pursuant to Cal. Gov't Code §6254(k), disclosure would violate Cal. Pen. Code §§ 832.7 and 832.8 relating Peace Officers' personnel files. The changes to Cal. Pen. Code § 832.7(b) do not apply to records gathered by this office. Cal. Pen. Code § 832.7(a) ("This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.")
3. Pursuant to Cal. Civ. Proc. Code § 2018.030/Cal. Pen. Code § 1054.6 as attorney work product.
4. Pursuant to Cal. Evid. Code § 1040 as official information.

Regarding peace offices employed by this office, we have no responsive documents.

Sincerely,

Casey B. Nelson

Casey B. Nelson
Deputy District Attorney